

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA

- - - - -
UNITED STATES OF AMERICA

v.

Docket No. 7:18-CR-133-FL-1

DORA DAMATTA-RODRIGUEZ

New Bern, North Carolina
December 13, 2018
- - - - -

**TRANSCRIPT OF ARRAIGNMENT AND PLEA PROCEEDINGS
BEFORE HONORABLE ROBERT B. JONES, JR., UNITED STATES
MAGISTRATE JUDGE, UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NORTH CAROLINA**

APPEARANCES:

For the Government: James J. Kurosad, Esq.
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For the Defendant: Stephen Gordon, Esq.
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Court Reporter: Harold M. Hagopian, RDR, CRR
Contract Court Reporter
United States District Court
Eastern District of North Carolina

Proceedings recorded by mechanical stenography,
Transcript produced by Computer-Assisted Transcription

PROCEEDINGS

(The following proceedings were held in open court at the United States Courthouse, 413 Middle Street, New Bern, North Carolina, before the Honorable Robert B. Jones, Jr., United States Magistrate Judge for the Eastern District of North Carolina, on December 13, 2018, at 1:36 p.m.)

(The Assistant United States Attorney James J. Kurosad, Esq., is present for the government. Assistant Federal Public Defender Stephen Gordon is present with the defendant.)

* * *

THE COURT: Good afternoon, ladies and gentlemen. I'm United States Magistrate Judge Robert Jones. We are here today in the United States District Court for the Eastern District of North Carolina for arraignments in felony criminal cases.

At this time I'll ask the Clerk to call the calendar and counsel to advise of the status of each case called, as well as the anticipate plea in these cases going forward this afternoon.

THE CLERK: The Court calls the following cases for arraignment:

(Unrelated matters called.)

* * *

THE CLERK: United States of America versus Dora

1 Damatta-Rodriguez.

2 MR. GORDON: Good afternoon, your Honor.

3 Stephen Gordon for Dora Damatta-Rodriguez. We anticipate a
4 guilty plea pursuant to a plea agreement.

5 THE COURT: Thank you.

6 (Further unrelated matters called.)

7 * * *

8 THE COURT: All right. I ask each defendant
9 appearing before the Court this afternoon to listen
10 carefully to the following information. This information
11 will be an important part of your case. You may be called
12 upon this afternoon to make decisions in your cases based
13 on the following:

14 Now, you are here because a bill of indictment has
15 been returned against you by the grand jury or the U.S.
16 Attorney has filed a criminal information charging you with
17 the violation of one or more federal criminal laws.

18 You have certain rights as relate to these charges
19 and I'm going to explain those rights to you.

20 As explained to you at your initial appearance, you
21 have the right to remain silent.

22 You have the right to be represented by an attorney,
23 and, if necessary, to have the Court appoint an attorney to
24 represent you in your case, including in a trial.

25 You have the right to a trial by jury. In such a

1 trial you are presumed to be innocent. You do not have to
2 prove anything. Instead, the burden is upon the
3 government, through its attorneys and agents, to prove you
4 guilty by competent evidence and beyond a reasonable doubt.

5 The method for the government to do this is to call
6 its witnesses, who would testify under oath in front of
7 you, in front of a jury, and in front of the presiding
8 district judge. You, through your lawyer, will then have
9 the right to cross-examine those witnesses and to object to
10 any evidence you deem to be legally improper.

11 You also have the right to use the subpoena power of
12 this Court to bring to court witnesses who may be favorable
13 to you and to have these witnesses testify under oath.

14 You also may elect to take the witness stand and
15 testify under oath, but only if you wish to do so. No one
16 can force you to take the witness stand to testify if you
17 don't want to. If you choose not to testify, the fact that
18 you do not testify could not be held against you, and the
19 district court judge will instruct the jury accordingly.

20 If you plead guilty to an offense this afternoon, you
21 will waive your right to a trial by jury and the rights
22 that I've just mentioned, other than your right to an
23 attorney. You also would have to waive your right not to
24 incriminate yourself, because I cannot accept your plea of
25 guilty as to a particular offense or offenses unless you

1 admit in open court your guilt as to that particular
2 offense or offenses.

3 By pleading guilty to a felony offense or being
4 convicted by a jury and adjudicated guilty of a felony
5 offense, you may lose certain valuable civil rights, such
6 as the right to possess any kind of firearm, the right to
7 serve on a jury, to right to hold public office, and the
8 right to vote.

9 If you plead guilty or are found guilty at trial, you
10 may be ordered to make restitution in money or services to
11 the victims of your crime if they are identifiable.

12 In certain cases, you may be required to forfeit
13 property to the United States government.

14 If your offense involves fraud, you may be required
15 to provide notice of your conviction to the victims of your
16 crime.

17 In addition, if you are not a United States citizen,
18 your immigration status may be adversely affected and you
19 may be subject to deportation, exclusion or voluntary
20 departure and prevented from obtaining U.S. citizenship.

21 (Baby in gallery screaming loudly.)

22 Ma'am, which case are you here for? Ma'am, which
23 case are you here for?

24 Hello? Which case are you here for?

25 SPECTATOR: Francis Thompson.

1 (Baby continuing to scream loudly.)

2 THE COURT: All right. I'll call his case
3 first. I'll call his case first. So, just step out while
4 I'm going through the advice of rights.

5 (Baby continues screaming.)

6 I've been there. When we call Mr. Thompson's case,
7 let her know so she can come back in.

8 THE MARSHAL: Yes, sir, Judge, we will.

9 (Spectator and baby withdrew from the courtroom.)

10 THE COURT: All right, if you are charged with a
11 sex crime, a conviction may result in substantial future
12 restrictions on where you may live or work and with whom
13 you may associate. In addition, at the conclusion of any
14 sentence that is imposed, you may be subject to civil
15 commitment as a sexually dangerous person.

16 As required by the law, a special assessment or
17 monetary amount of \$100 for each felony offense or count to
18 which you plead guilty or are found guilty at trial will be
19 imposed against you. This special assessment of \$100 per
20 count will be in addition to and on top of any fine that
21 may also be imposed.

22 You may be given a term of supervised release
23 following any actual term of incarceration that is imposed.
24 Supervised release is similar to what you may know as
25 probation.

1 The term of supervised release in each individual
2 case can range anywhere from one year up to life, based
3 upon your individual criminal history and the offense.
4 Supervised release would require you to report to your
5 assigned probation officer from time to time and to comply
6 with any Court-imposed or directed instructions. If you
7 violate the supervised release conditions, you may be
8 required to serve an additional time of incarceration.

9 The United States Sentencing Commission has
10 established advisory guideline ranges for all federal
11 crimes. Although the district judge is no longer required
12 to specifically follow the guideline in sentencing you, he
13 or she is required to calculate the advisory guideline for
14 your offense or offenses. The district judge will then
15 consider that guideline range, as well as other relevant
16 factors that are set forth in 18 U.S. Code, Section
17 3553(a), before imposing a sentence.

18 The district judge has the authority in some
19 circumstances to depart upward or downward from that
20 advisory guideline range and will also examine other
21 factors under 18 U.S. Code, Section 3553(a), that may
22 result in a sentence that can be greater or lesser than the
23 advisory guideline sentence.

24 If the district judge imposes a sentence outside the
25 guideline range, he or she is required to explain on the

1 record at the time of sentencing his or her reasons for
2 imposing a sentence outside the guidelines.

3 Under some circumstances, you may have the right to
4 appeal your sentence, even though you've pled guilty to the
5 underlying crime; however, if you have waived the right to
6 appeal your sentence in a plea agreement with the United
7 States, that agreement may be binding upon you.

8 You should understand that parole has been abolished
9 in the United States court system, so if you receive a
10 sentence which includes an active term of incarceration,
11 you will not receive parole.

12 Regarding plea agreements, you should know that the
13 Court is not a party to a plea agreement and does not
14 participate in plea-agreement negotiations. However, the
15 Court is obligated to examine carefully any plea agreement
16 with the government to ensure that the agreement conforms
17 to the objectives of sentencing. The standards of
18 acceptance of plea agreements include those stated in Rule
19 11 of the Federal Rules of Criminal Procedure, which
20 provides, in part, as follows:

21 In one type of a plea agreement the government
22 recommends to the Court or agrees not to oppose the
23 defendant's request to the Court that a particular sentence
24 or sentencing range is appropriate or that a particular
25 provision of the guidelines does or does not apply. If a

1 plea agreement is of this type, if the Court accepts the
2 plea agreement, the recommendation or request is not
3 binding on the Court.

4 If the Court does not follow the recommendation or
5 request, the defendant has no right to withdraw his or her
6 guilty plea.

7 On the other hand, there may be plea agreements in
8 which the government agrees not to bring or will move to
9 dismiss other charges or which the government agrees that a
10 specific sentence or sentencing range is an appropriate
11 disposition of the case or that a particular provision of
12 the guidelines does or does not apply.

13 If a plea agreement is of this type, if the Court
14 accepts the agreement, then the parties' agreed-upon terms
15 are binding on the Court and the agreed-upon disposition
16 will be included in the judgment, unless the agreement
17 provides otherwise.

18 However, if the Court does not accept this type of an
19 agreement where there is a binding agreed-upon disposition
20 between the parties, the defendant will be given an
21 opportunity to withdraw his or her plea. If the defendant
22 does not withdraw the plea agreement, the Court is not
23 required to follow the plea agreement and may dispose of
24 the case less favorably than the plea agreement
25 contemplated.

1 A written presentence report will be prepared by the
2 Probation Office to assist the district judge in
3 sentencing. You will be asked to give information for this
4 report, and you are entitled to have your attorney present
5 during the interview.

6 It is important that the presentence report be
7 accurate, because it will likely determine your punishment
8 range. After that report has been prepared, you and your
9 attorney will have an opportunity to review the report and
10 to object to any aspects of the report that you believe are
11 inaccurate.

12 Any objections to the presentence report must be made
13 in writing and on a timely basis. If you do not contest
14 the facts that are set forth in the presentence report and
15 the Court's independent findings coincide with those facts,
16 those facts will be accepted by the Court as correct and
17 will be relied upon in determining the guidelines
18 applicable to your case.

19 If a party seeks to argue for a sentence which varies
20 from the sentencing guidelines, that party shall file
21 written briefing in support of that position and serve a
22 courtesy copy on the probation officer who drafted the
23 presentence report.

24 At the time of sentencing you and your attorney will
25 be given the chance to speak to the Court and to argue for

1 a sentence that you and your attorney feels appropriate
2 under 18 U.S. Code, Section 3553(a).

3 While Judge Flanagan does not allow oral testimony in
4 the nature of character evidence at the sentencing hearing,
5 she will be happy to receive from your attorney written
6 sentencing briefing and character letters, all of which
7 should be provided to the Court so that they are received
8 at least seven days before the day you are scheduled to be
9 sentenced.

10 Finally, if there are any victims of the offenses for
11 which you are to be sentenced, these victims will be given
12 a chance to be heard at that sentencing hearing.

13 That concludes the explanation of your rights. Those
14 cases in which a plea of guilty is entered today will be
15 scheduled for a sentencing hearing to be held no sooner
16 than 90 days from today before Judge Flanagan. It is
17 anticipated that those cases will be set for the April,
18 2019, term.

19 Any case in which a plea of not guilty is entered
20 will have an administrative telephonic conference with the
21 Court. Counsel in those parties will be contacted by the
22 Court to set up a date and a time of the conference, as
23 well as to provide counsel with the dialing instructions to
24 participate in that conference.

25 All right. Each defendant appearing today should

1 know that as I take up your case to hear your plea and to
2 address you personally, that you will be placed under oath,
3 and if you should answer any of my questions falsely that
4 your answers may later be used against you in another
5 prosecution for perjury or making a false statement.

6 All right. To the Assistant U.S. Attorneys here, are
7 there any victims of any cases that are going forward this
8 afternoon? If so, have they been notified, and do they
9 wish to be heard during this afternoon's session?

10 MR. KUROSAD: Good afternoon, your Honor. Jim
11 Kurosad on behalf of the government. As far as I know,
12 there is only one case that has victims, and that's the
13 Fields case. Those victims have been notified and have
14 chosen not to attend to appear here today.

15 THE COURT: Okay. Let's start with
16 Mr. Thompson's case, and if one of the folks would alert
17 her to be back in here if she wishes to do so.

18 (Unrelated matters heard by the Court.)

19 * * *

20 THE CLERK: The Court calls the case of the
21 United States of America versus Dora Damatta-Rodriguez,
22 Court Filing 7:18-CR-133-FL, Defendant 1.

23 Ms. Damatta-Rodriguez, if you would please stand and
24 raise your right hand. I'm going to place you under oath.

25 **DORA DAMATTA-RODRIGUEZ**, having been duly affirmed by

1 the Clerk, was examined and testified as follows:

2 THE COURT: Do I refer to you as Ms. Damatta or
3 Ms. Damatta-Rodriguez? Which do you prefer?

4 THE DEFENDANT: I've always used Damatta.

5 THE COURT: Okay. Ms. Damatta, I have in my
6 hands here a document in your case. This document is
7 entitled Consent to Proceed Before Magistrate Judge. It
8 appears to be signed by you, as well as Mr. Gordon, your
9 attorney in this case.

10 Did you sign this document, ma'am?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: And is it your knowing and voluntary
13 desire that for the purpose of conducting your arraignment
14 and taking your plea this afternoon that I may conduct
15 these proceedings as a United States Magistrate Judge?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: All right. Thank you.

18 All right, Ms. Damatta, ma'am, do you understand that
19 you are now under oath and that if you answer any of my
20 questions falsely that your answers may later be used
21 against you in another prosecution for perjury or making a
22 false statement?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: What is your full name?

25 THE DEFENDANT: Dora Damatta.

1 THE COURT: And how old are you?

2 THE DEFENDANT: Sixty-four.

3 THE COURT: And how far have you gone in school?

4 THE DEFENDANT: Bachelor's Degree.

5 THE COURT: Are you able to speak and understand
6 English?

7 THE DEFENDANT: Yes.

8 THE COURT: Are you able to read?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Are you currently or have you
11 recently been under the care of a physician or psychiatrist
12 or been hospitalized or treated for narcotics addiction?

13 THE DEFENDANT: Never, your Honor.

14 THE COURT: I'm sorry?

15 THE DEFENDANT: Never.

16 THE COURT: Okay. Have you taken any drugs, any
17 medicine, any pills or had any alcoholic beverages in the
18 past 24 hours?

19 THE DEFENDANT: No, your Honor.

20 THE COURT: Have you been provided with a copy
21 of the two charges that are filed against you in this case?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: And have you discussed those charges
24 fully, as well as your case in general, with your attorney?

25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: Do you understand the charges
2 against you in this case?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Do you understand happening this
5 afternoon?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Okay. Mr. Gordon, have you had any
8 difficulty in communicating with Ms. Damatta or any reason
9 to doubt her mental competency in this case?

10 MR. GORDON: I have not, your Honor.

11 THE COURT: Okay. Does the United States have
12 any reason to doubt Ms. Damatta's mental competency in this
13 case?

14 MR. KUROSAI: No, your Honor.

15 THE COURT: All right. The Court finds as a
16 fact that the defendant, Dora Damatta, is competent to
17 appear and to understand the nature of these proceedings
18 and to ultimately plead in these matters.

19 Now, Ms. Damatta, ma'am, have you had the time to,
20 and have you, in fact, discussed your case with your
21 attorney?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Are you satisfied with Mr. Gordon's
24 advice and counsel to you in this matter?

25 THE DEFENDANT: I am.

1 THE COURT: Did you hear and understand my
2 explanation of your rights this afternoon?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Did you understand my general
5 explanation of how you might be sentenced in this case?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: And did you receive a copy of the
8 indictment in this case charging you in two counts?

9 THE DEFENDANT: I have, your Honor.

10 THE COURT: And do you understand what you've
11 been charged with in those two counts?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: All right. Do you want me to read
14 the charges to you out loud or do you waive the reading of
15 them?

16 THE DEFENDANT: I waive the reading.

17 THE COURT: All right. I am required, however,
18 to remind you of the maximum possible penalty -- not the
19 guidelines, but the maximum possible penalty for each count
20 that you face, including any mandatory minimum penalty.

21 Could the government please remind Ms. Damatta as to
22 that information?

23 MR. KUROSAK: Yes, your Honor.

24 As to Count 1, not more than five years imprisonment;
25 a fine not to exceed \$250,000, or both fine and

1 imprisonment; not more than three years supervised release;
2 not more than two years imprisonment upon revocation of
3 supervised release; a \$100 special assessment; and
4 restitution.

5 Count 2, not more than 12 months imprisonment; a fine
6 not to exceeds \$100,000, or both fine and imprisonment; not
7 more than one year of supervised release; not more than one
8 year of imprisonment upon revocation of supervised release;
9 a \$25 special assessment; and restitution.

10 THE COURT: All right. Now, Ms. Damatta, do you
11 understand the two charges against you in this case, as
12 well as the maximum punishment you face if convicted of
13 each of those charges?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: All right. Mr. Gordon, were all
16 formal plea offers by the government conveyed to
17 Ms. Damatta?

18 MR. GORDON: They were, your Honor.

19 THE COURT: All right. Ms. Damatta, I've been
20 provided a document -- another document in your case. It's
21 a six-page document. It appears to be signed by you as
22 well as Mr. Gordon. It appears to be dated October the
23 11th. The document is entitled Memorandum of Plea
24 Agreement, and it appears from this document that it is
25 your intention to plead guilty to Count 2 of the

1 indictment.

2 Is that your intention, ma'am?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: All right. Have you had --

5 Ms. Damatta, have you had an opportunity to read and to
6 discuss this plea agreement with your attorney, and did
7 you, in fact, do so before you signed it?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Does the plea agreement,
10 Ms. Damatta, represent in its entirety any and all
11 agreements that thank you have with the United States and
12 the U.S. Attorney?

13 Let me ask it differently. Are there any other
14 agreements, other than this one -- other than this plea
15 agreement -- are there any other agreements that you --

16 THE DEFENDANT: No, your Honor.

17 THE COURT: -- have with the United States or
18 the U.S. Attorney as it relates to this case?

19 THE DEFENDANT: No, your Honor.

20 THE COURT: All right. Did you understand the
21 terms, the language, the words, the sentences, even any
22 legal phrases that are used in the plea agreement after you
23 discussed it with Mr. Gordon?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: Do you understand that by entering

1 into this plea agreement and entering a plea of guilty that
2 you will have waived or given up your right to appeal or to
3 collaterally attack all or a part of your sentence?

4 THE DEFENDANT: (No response.)

5 THE COURT: The plea agreement contains an
6 appeal waiver as well as, perhaps, some restrictions on
7 other attacks you could have on the sentence that you may
8 ultimately receive from the Court in this case. It's
9 contained in paragraph (c) on page 1 and 2 of the plea
10 agreement.

11 I just want to know whether you understand paragraph
12 (c) of the plea agreement?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Okay. Has anyone made any other or
15 different promises to you to get you to plead guilty in
16 this case, other than what's contained in the plea
17 agreement?

18 THE DEFENDANT: No, your Honor.

19 THE COURT: Has anyone threatened you in any way
20 to persuade you to either accept this plea agreement or
21 plead guilty in this case?

22 THE DEFENDANT: No, your Honor.

23 THE COURT: Are you pleading guilty of your own
24 free will because you are, in fact, guilty?

25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: Do you understand that if you are
2 not a United States citizen, a plea of guilty might subject
3 you to deportation, exclusion or voluntary departure and
4 prevent you from obtaining U.S. citizenship?

5 MR. GORDON: May I have a moment?

6 (Counsel conferring with the defendant.)

7 THE DEFENDANT: I do, your Honor.

8 THE COURT: Do you understand that?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Okay. Now, do you understand,
11 Ms. Damatta, if I accept your plea of guilty this
12 afternoon, thank you may not be able to withdraw your plea
13 or have a trial in this case?

14 THE DEFENDANT: I understand, your Honor.

15 THE COURT: Have you answered all my questions
16 truthfully?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: All right. Do you need any more
19 time either to think about your plea or to discuss your
20 case with Mr. Gordon before entering your plea?

21 THE DEFENDANT: No, your Honor.

22 THE COURT: All right. Ms. Damatta, ma'am, how
23 do you plead to Count 2 of the indictment?

24 THE DEFENDANT: Guilty.

25 THE COURT: All right. Now, Ms. Damatta, were

1 you, as the government has alleged in Count 2, on or about
2 November 8, 2016, in the Eastern District of North
3 Carolina, an alien, knowing you were not a United States
4 citizen, knowingly vote in an election held, in part, or
5 for the purpose of electing a candidate for the office of
6 President, Vice President and member to the House of
7 Representatives, in violation of Title 18 of United States
8 Code, Section 611(a).

9 Did you do all that?

10 THE DEFENDANT: I did, your Honor.

11 THE COURT: All right. Thank you.

12 The government will provide the Court a factual basis
13 in support of Ms. Damatta's plea of guilty to Count 2 of
14 the indictment, telling the Court what the government
15 believes it could prove at a trial in this case.

16 MR. KUROSAI: Yes, your Honor. On May 8th,
17 2017, Homeland Security agents received documentation
18 related to the identity and voter list profile of those
19 presumed to be involved in voter fraud. They received
20 voter fraud registration election activities for 136
21 subjects.

22 One of these voters were identified as the defendant,
23 a national and citizen of Panama, who currently holds an
24 immigration status as lawful, permanent resident in the
25 United States.

1 As a result of some grand jury subpoenas, information
2 came back that the defendant voter registration application
3 was signed by the defendant and dated September 7, 2016.
4 According to those records, the defendant possessed the
5 voter registration application on September 7, 2016, and
6 responded yes to the question, are you a citizen of the
7 United States of America. And, in fact, she was not, and
8 the defendant voted in the election of 2016.

9 THE COURT: That was the election for President,
10 Vice President, House of Representatives?

11 MR. KUROSAI: That's correct, your Honor.

12 THE COURT: Okay. And, I'm sorry, where was
13 this in the Eastern District? Wake County?

14 MR. GORDON: New Hanover, your Honor.

15 THE COURT: That was in New Hanover. All right.
16 Mr. Gordon, do you care to respond to the government's
17 proffer?

18 MR. GORDON: Briefly, your Honor, yes. Thank
19 you.

20 Just to clarify, the elements as laid out on page 4
21 of the plea agreement, what I would like the record to make
22 clear is that the statute under which we're pleading does
23 not require knowledge that a noncitizen cannot vote. So,
24 to address the -- calling this voter fraud, I think it's
25 more accurate to call it -- it's a strict liability

1 offense. The question is, are you a citizen; did you vote.

2 The government, at trial, would not be required to
3 show a link between those two things. So, I think, for
4 purposes of what we're pleading to, I'd just like the
5 record to be clear on that.

6 THE COURT: The allegation in Count 2 is that
7 the defendant knew she was not a United States citizen and
8 did knowingly vote.

9 MR. GORDON: Your Honor, there are four of us in
10 the office who had these cases, and Mr. Todd, not
11 surprisingly, feels very, very strongly about the second
12 element, and he's successfully, I believe, moved to strike
13 that language.

14 I do not have as much of a problem with it as
15 Mr. Todd does, because, again, I don't see that as, again,
16 showing any linkage between the voting and, you know,
17 knowledge of -- that you're a legal permanent resident, if
18 I'm making myself clear on that. In other words, it
19 doesn't require knowledge that noncitizens can't vote.

20 THE COURT: Okay. Are you -- are you -- you're
21 not making a challenge to the factual basis, though; right?

22 MR. GORDON: We are not disputing that she is --
23 she is a legal permanent resident, so we are not disputing
24 that she is not a citizen. We are not disputing that she
25 voted in the last presidential election.

1 THE COURT: Okay. Is that right, Ms. Damatta?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: Okay. Does the government want to
4 be heard on it? Anything that I need to be heard on it to
5 accept the guilty plea in this case?

6 MR. KUROSAK: No, I think Mr. Mr. Gordon handled
7 it appropriately.

8 THE COURT: Okay. All right. Well, I find that
9 Ms. Damatta -- well, in this case of United States America
10 versus Dora Damatta, 7:18-CR-133, I find that Ms. Damatta
11 is fully competent and capable of entering her informed
12 plea; that her guilty plea to Count 2 of the indictment is
13 being made knowingly and voluntarily, is supported by an
14 independent factual basis in each of the essential elements
15 of the offense charged. Ms. Damatta's plea is accepted.
16 She's hereby adjudged guilty of Count 2 of the indictment.

17 The Court hereby conditionally approves the plea
18 agreement in his case.

19 The parties will be notified in writing of the date
20 and the place of sentencing in this matter. As I've said
21 earlier, it's anticipated that sentencing will be at the
22 Court's April, 2019, term. And defense counsel is directed
23 to contact Probation before leaving Court today to arrange
24 a time to commence preparation of the PSR.

25 All right, anything further regarding Ms. Damatta's

1 case?

2 THE DEFENDANT: No, your Honor. Thanks.

3 THE COURT: All right. Ms. Damatta, just know
4 that you're still under obligation to follow the conditions
5 that the Court's imposed upon you already.

6 All right. Thank you, very much.

7 MR. GORDON: Thank you, your Honor.

8 (Whereupon the proceedings concluded at 3:10 p.m.)

9 * * *

10 **CERTIFICATION**

11 I certify that the foregoing is a correct transcript
12 of the record of proceedings in the above-entitled matter
13 to the best of my skill and ability.

14

15 /s/ Harold M. Hagopian
16 Court Reporter

June 2, 2019
Date

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